

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 160

FINAL READING

Introduced by Cornett, 45; Flood, 19; Lathrop, 12; Rogert, 16;
White, 8; Howard, 9; Pirsch, 4; Fischer, 43

Read first time January 8, 2007

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to fire and rescue departments; to amend
2 section 35-801, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to clothing and equipment and
4 certain donations; to harmonize provisions; and to repeal
5 the original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A person who donates fire control or
2 rescue equipment to a fire department or a political subdivision
3 for use by its fire department shall not be liable for civil
4 damages for personal injuries, property damage or loss, or death
5 caused by the fire control or rescue equipment after donation,
6 except for injury, damage, loss, or death caused by the donor's
7 intentional or reckless conduct or gross negligence.

8 (2) Subsection (1) of this section shall not apply to a
9 vendor or manufacturer of fire control or rescue equipment.

10 (3) For purposes of this section:

11 (a) Fire control or rescue equipment means any vehicle,
12 equipment, tool, communications equipment, or protective gear used
13 in firefighting, rescue services, or emergency medical services;

14 (b) Fire department means any paid or volunteer fire
15 department, company, association, or organization or first-aid,
16 rescue, or emergency squad serving a city, village, county,
17 township, or rural or suburban fire protection district or any
18 other public or private fire department; and

19 (c) Person means any individual, corporation, business
20 trust, estate, trust, partnership, limited liability company,
21 association, joint venture, fire department, public corporation,
22 other legal or commercial entity, or governmental subdivision,
23 agency, or instrumentality.

24 Sec. 2. Section 35-801, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 35-801 (1) No ~~person~~ vendor or manufacturer shall
2 knowingly transfer, sell, or offer for sale in this state to any
3 fire department or firefighter any item of clothing or equipment
4 designed and intended to protect firefighters from death or injury
5 while fighting fires unless the item of clothing or equipment meets
6 or exceeds the minimum standards established for such item of
7 clothing or equipment by the National Fire Protection Association
8 in effect at the time of such transfer, sale, or offer for sale.

9 (2) No fire department shall knowingly purchase and no
10 fire department or firefighter shall knowingly accept from any
11 vendor or manufacturer any item of clothing or equipment intended
12 to protect firefighters from death or injury while fighting fires
13 unless the item of clothing or equipment meets or exceeds the
14 minimum standards established for such item of clothing or
15 equipment by the National Fire Protection Association in effect
16 at the time of such purchase or acceptance.

17 (3) Any person violating subsection (1) or (2) of this
18 section shall be guilty of a Class III misdemeanor.

19 (4) For purposes of this section:

20 (a) Clothing or equipment shall not include station or
21 work uniforms or other items of personal clothing worn or intended
22 to be worn under protective clothing or equipment while fighting
23 fires; and

24 (b) Fire department shall include means any paid or
25 volunteer fire department, company, association, or organization

1 or first-aid, rescue, or emergency squad serving a city, village,
2 county, township, or rural or suburban fire protection district, or
3 any other public or private fire department.

4 Sec. 3. Original section 35-801, Reissue Revised Statutes
5 of Nebraska, is repealed.